



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,167	08/28/2001	Ryan L. Stone	13914.692	4657

22913 7590 09/10/2003

WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER &
SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

EXAMINER

NGUYEN, TAM M

ART UNIT	PAPER NUMBER
----------	--------------

3764

DATE MAILED: 09/10/2003

1

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,167

Applicant(s)

STONE, RYAN L.

Examiner

Tam Nguyen

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 is/are allowed.
- 6) ☒ Claim(s) 1-17 and 21-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “load” in claim 16, line 2 and the “weight stack” in claim 20, line 2 must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-17 and 21-23 are rejected under 35 U.S.C. 102(a) as being anticipated by Wang et al. (6,599,223).

2. As to claim 1, Wang et al. disclose a pulley system comprising a rotating tube (13), a pulley (A) having a channel configured to receive a cord (30), means for aligning a channel of the pulley with the passageway of the tube wherein the means for aligning (B) is coupled to the tube and pulley such that as the tube rotates the pulley moves therewith and a portion of said channel is positioned within the tube (see Appendix 1, Examiner’s version of Fig. 1).

Art Unit: 3764

3. As to claim 2, Wang et al. disclose a pulley system as described above. Wang also discloses that the cord extends along the tube (13) through the first (C) and second (D) apertures wherein the second aperture is located in a sidewall of the tube (see Appendix 1).
4. As to claim 3, Wang et al. disclose a pulley system as described above (see discussion of claim 1). Wang also discloses a second pulley (E) having a second channel, and means for aligning (19) the second channel with the tube (see Appendix 1).
5. As to claim 4, Wang et al. disclose a pulley system as described above (see discussion of claim 1). Wang also discloses that the means for aligning the channel of the pulley with the passageway of the tube comprises an arm (F) coupled to the tube (see Appendix 1).
6. As to claims 5-7, Wang et al. disclose a rotating tube (13) having first (C) and second (D) apertures and a passageway wherein a cord (30) is received, a pulley (E) having a channel configured to receive a cord (30), and an arm (G) configured to align the channel of the pulley with the passageway of the tube as substantially claimed wherein the arm is an articulating arm of an exercise device (see Appendix 1).
7. As to claims 8-10, Wang et al. disclose a pulley system as substantially claimed (see discussion of claims 1-7 above).
8. As to claims 11 and 12, Wang et al. disclose a pulley system comprising a first pulley (E), a second pulley (A), a tube (13) having first (C) and second (D) apertures wherein the second aperture is located in a sidewall of the tube, an arm (F) coupled to the tube at one end, the other end of the tube being pivotally coupled to a support (G), the first pulley being coupled to the support, such that a cord (30) extends as substantially claimed (see Appendix 1, Examiner's version of Fig. 1).

Art Unit: 3764

9. As to claims 13 and 14, Wang et al. disclose an exercise device comprising a support (15), at least one exercise station, a pulley mechanism that includes a tube that is movably coupled to the support at a plurality of selectable positions, and first and second pulleys as substantially claimed (see Figs. 1 and 4).

10. As to claims 15-17, Wang et al. disclose a pulley system as described above (see discussion of claims 13). Wang also discloses that the exercise device includes an arm (H) pivotally coupled to the support and the cord is coupled to a load at one end and a handle on the other end as substantially claimed (see Appendix 2, Examiner's Version of Fig. 1).

11. As to claims 21-23, Wang et al. disclose an exercise device comprising a support (15), a pulley mechanism having a rotating tube (13), a pair of pulleys (A, E), and a means/arm (B) for aligning the channel of the pulleys with a passageway of the tube as substantially claimed (see Appendix 1).


Allowable Subject Matter

12. Claims 18-20 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 703-305-0784. The examiner can normally be reached on M-F 9-5.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

September 2, 2003


NICHOLAS D. LUCCHESI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700